

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Case No. 1:99CR70 RWS
)
)
CHRISTOPHER NUNLEY,)
)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before me on Christopher Nunley's Motion for Reconsideration Pursuant to 18 U.S.C. § 3582(c). Nunley argues that I should reduce his sentence based on the United States Supreme Court's ruling in United States v. Booker, 125 S. Ct. 738 (2005). Nunley argues that the rule in Booker is retroactive and can be applied to his case even though his sentence was final prior to the date Booker was issued. The Eighth Circuit, however, has held that “Booker does not apply to criminal convictions that became final before the rule was announced . . .” Never Misses a Shot v. United States, 413 F.3d 781, 783 (8th Cir. 2005). As a result, Nunley's motion is meritless and will be denied.¹

¹Additionally, 18 U.S.C. § 3582(c) does not provide relief for Booker violations.

Accordingly,

IT IS HEREBY ORDERED that Christopher Nunley's Motion for Reconsideration Pursuant to 18 U.S.C. § 3582(c) [#69] is **DENIED**.

Dated this 16th Day of September, 2005

A handwritten signature in black ink, appearing to read "Rodney W. Sippel".

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE